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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,132	09/18/2003	Alan Chen	644-030	7178
7590	05/19/2005		EXAMINER	
Ward & Olivo 708 Third Avenue New York, NY 10017			GEREZGIHER, YEMANE M	
			ART UNIT	PAPER NUMBER
			2144	

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/667,132	CHEN ET AL.
	Examiner Yemane M. Gerezgiher	Art Unit 2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 18 September 2003.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-12 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-12 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 02/24/2004 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
     Paper No(s)/Mail Date 03/22/2004.

4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This application has been examined. Claims 1-12 are pending.

#### ***Specification***

2. The abstract of the disclosure is objected to because it contains a minor typographical error (See Abstract, Line 16, "test" at the end of the Abstract). Correction is required. See MPEP § 608.01(b).

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The inventive entity recites, "said remote computer" (See Claim 11 on Page 54 Line 16) which has no antecedent basis. No "remote computer" has been previously defined in the claim.

#### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application

filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1 is rejected under 35 U.S.C. 102(e) as being anticipated by North et al (U.S. Patent Number 6,505,245) hereinafter referred to as North.

As per claims 1: A remote computer management system [See Title and Abstract] comprising:

a plurality of remote computers; [See Abstract and Fig. 2: North disclosed a method and a system for remotely monitoring and controlling plurality of network devices connected in the network].

at least one user interface unit for coupling at least one keyboard, video monitor and cursor control device to said remote computers, said user interface unit comprising circuitry for receiving and transmitting keyboard, cursor control device and video signals; [See Abstract, Figures 1a-2, Column 8 Lines 23-67: North taught a system administrator's management device having therein an interface coupling input and output devices for receiving and transmitting signals when monitoring and controlling the remotely located plurality of computing devices. North further disclosed the user interface coupling with video monitor for displaying information transmitted thereto by a management terminal and further equipped with the conventionally configured keyboard, mouse and other input output devices for generating instructions for the remotely monitored and controlled computing devices. For further details

See Column 2, Lines 34-65, Column 6, Lines 40-65, Column 8, Lines 23-67, and Column 16, Line 38 through Column 17, Line 60]; and

a plurality of computer interface units, each of said computer interface units being coupled to one of said remote computers, and each said computer interface unit being coupled to said user interface unit, said computer interface units comprising circuitry for receiving and transmitting keyboard, cursor control device and video signals, and a signaling circuit for generating a signal at each of said computer interface units upon detection of a specific event. [See Abstract, Figure 2, Column 8 Lines 23-67: North taught plurality of computer interface coupling input and output devices for receiving and transmitting signals when monitoring and controlling the remotely located plurality of computing devices. North further disclosed the plurality of user interfaces coupled with video monitor for displaying information transmitted thereto by a management terminal and further equipped with the conventionally configured keyboard, mouse and other input output devices for generating instruction signals for the remotely monitored and controlled computing devices upon detection a specific event occurs in the network and specifically in any of the remotely located computing devices. See also Column 2, Lines 34-65, Column 6, Lines 40-65, Column 8, Lines 23-67, and Column 16, Line 38 through Column 17, Line 60].

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 2-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over North et al (U.S. Patent Number 6,505,245) as applied to claim 1 above and further in view of Srinivasan et al (U.S. Pub. No: US 2004/0148385 A1) hereinafter referred to as Srinivasan.

As per claims 11 and 12: These claims have substantially similar limitations as claim 1 above, therefore they are rejected with the same rationale. Further, North disclosed a management unit coupled to said computer interface; [See Fig. 2 References 28 & 30].

The teachings of North substantially disclosed the invention as claimed. However, North was silent about generating an audible signal in response to a detection of an event in the plurality of remotely monitored network devices.

However, as evidenced by the teachings of Srinivasan to emit an audible and visual alert (as in claims 2-4) in response to a detection of an event in the plurality of remotely monitored network devices was known in the art at the time of the invention. See Page 3 ¶ [0032]. A GUI generating a signaling control signal (claim 10) was taught by Srinivasan. See Fig. 1 and Page 2

¶[0022]&[0025]. Furthermore Srinivasan taught generating the audible alert/signal (claims 5 and 6) in response to a hardware and/or firmware condition on the monitored computer device(s). See Page 3 ¶ [0032] and Page 4 ¶ [0037]-[0041]. Given the teachings of Srinivasan related to generating an audible signal, generating signals to indicate any other task such as of applicants claimed limitations “in response to the completion of a firmware upgrade on said computer interface” (as in claims 6 and 7), “audible signal indicating the status of an upgrade to said computer” (in claim 8), and “audible signal indicates the status of an upgrade to said computer interface” (in claim 9), would have been obvious modifications, which does not change the scope of the invention disclosed by Srinivasan, because making use of one audible signal to indicate an event associated with software or hardware related event (as disclosed by Srinivasan) to indicate other types of events would have been arbitrary. See Figures 1-5, Page 1 ¶ [0009] through page 2 ¶ [0025], and Page 3 ¶ [0027-0032].

Thus, it is respectfully submitted that it would have been obvious to one of ordinary skill in the art at the time the invention was made to take the teachings of Srinivasan related to generating an audible or visual signal in response to a detection of an event in a plurality of monitored computing devices and have modified the teachings of North related to remotely monitoring and controlling plurality of network elements in a communication

network in "order to provide automatic notification as to any network server problems and to provide corrective actions to be taken". See Page 2 ¶ [0020].

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
  - a. Kurrasch (US 6754854 B2) entitled: "System and method for event monitoring and error detection"
  - b. Thomas et al. (US 6681250 B1) entitled: "Network based KVM switching system"
  - c. Ambrose (US 6615272 B1) entitled: "Switch node for connecting a keyboard video mouse to selected servers in a interconnected switch node network"
  - d. Hansen et al. (US 20030084150 A1) entitled: "Automatic notification rule definition for a network management system"
  - e. Kwon et al. (US 20030067387 A1) entitled: "Remote control and management system"
  - f. Hansen et al. (US 6493755 B1) entitled: "Automatic notification rule definition for a network management system"
  - g. Trcka et al. (US 6453345 B2) entitled: " Network security and surveillance system"
  - h. Azpitarate (US 20020059412 A1) entitled: "System for remotely managing maintenance of a set of facilities"

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- i. Barker et al. (US 6363421 B1) entitled: "Method for computer internet remote management of a telecommunication network element"
- j. Drake et al. (US 6347374 B1) entitled: "Event detection"
- k. Shaffer et al. (US 6094681 A) entitled: "Apparatus and method for automated event notification"

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yemane M. Gerezgiher whose telephone number is (571) 272-3927. The examiner can normally be reached on 9:00 AM - 6:00 PM Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached at (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Yemane M. Gerezgiher*



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